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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,976	04/13/2004	Stephen Saylor	1104-063	5330
74548 7590 09/30/2008 FlashPoint Technology and Withrow & Terranova 100 Regency Forest Drive Suite 160 Cary, NC 27518				
EXAMINER				
VIG, NARESH				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/823,976

Applicant(s)

SAYLOR ET AL.

Examiner

NARESH VIG

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 – 25 are rejected under 35 U.S.C. 112, second paragraph, as being vague and indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites the limitation directing collection of the data input by the portable image capture device. It is not clear whether the claimed limitation should be interpreted as "prompting the user to start the image capture", captured image data is directed to a storage medium for storage, or, a processor sends a signal to start capturing the image data.

Claim Rejections - 35 USC § 103

Claims 1 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elbradler US Publication 2004/0138898 in view of Esenyan et al. US Publication 2002/0172498.

Regarding claims 1 and 22, Elbrader teaches system and method for integrating use of a portable image capture device into a workflow process. Elbrader teaches capability for:

program instructions on a computer readable medium with capability for automation of image integration into a workflow process

initiating utilization of a portable image capture device with a workflow process, the workflow process including a template having at least one predetermined point at which data input, including captured image data, is expected [Elbrader, Fig. 5 and disclosure associated with the Figure];

Elbrader teaches capability for directing collection of the data input by the portable image capture device (Elbrader teaches user has an option for stopping the recording during the workflow, i.e. user has a choice of the recording to be activated or deactivated [Elbrader, Fig. 4, 330]); In addition, IAS teaches system and method for digitally recording transaction in a workflow of purchases. Alternatively, Esenyan teaches system and method which enables a user to record and time-mark significant events during a session with their client, index client data with video footage [Esenyan, 0003].

Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Elbrader by adopting teachings of Esenyan and allow user to manually make image capture during transaction to make recording of the events when it is important, combine prior art elements according to known methods to yield

predictable results, apply a known technique to a known device or method ready for improvement to yield predictable result.

Elbrader in view of Esenyan teaches capability for:
directing collection of the data input by the portable image capture device
integrating the collected data input in the workflow process by automatically
associating the collected data with the template [Elbrader, 0050; Esenyan, 0003],
thereby having the capability for generating an output document (**capability for
generating a document from the stored information is old and known to one of
ordinary skill in the art**).

Regarding claim 2, Elbrader in view of Esenyan teaches capability wherein
initiating utilization further comprises selecting a template for the workflow process in
the portable image capture device (Elbrader, pending contract to contract status)
[Elbrader, 0006].

Regarding claim 3, Elbrader in view of Esenyan teaches capability for prompting
for performance of an image capture at the at least one predetermined point in the
template [Elbrader, claim 1].

Regarding claims 4 and 23, Elbrader in view of Esenyan teaches capability for
prompting for entering of any voice data and text data at the at least one predetermined
point in the template (Also, prompting user to take an action in an interactive session is

old and known to one of ordinary skill in the art, Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Elbrader in view of Esenyan by applying a known technique to a known device or method ready for improvement to yield predictable result).

Regarding claims 5 and 24, Elbrader in view of Esenyan teaches capability for inserting the image captured and the voice or text data input at the at least one predetermined point of the template.

Regarding claim 6, Elbrader in view of Esenyan teaches capability for transcribing voice data to text data.

Regarding claim 7, Elbrader in view of Esenyan teaches capability for providing the document for a next step in the workflow process (**forwarding document from one stage in a workflow to the next stage in the workflow is old and known to one of ordinary skill in the art**, for example, in a automobile purchase transaction, sale order when competed is forwarded to financing department to close the loan before the car is delivered to the purchaser). Therefore, at the time of invention, it would have been obvious to one of ordinary skill in the art to modify Elbrader in view of Esenyan by applying a known technique to a known device or method ready for improvement to yield predictable result).

Regarding claim 8, Elbrader in view of Esenyan teaches capability for selecting a workflow activity for the workflow process in the portable image capture device, the workflow activity associated by an identifier with a document template, the template identifier having an associated set of input identifiers for data input.

Regarding claim 9, as responded to earlier, Elbrader in view of Esenyan teaches capability for prompting for performance of an image capture at the at least one predetermined point.

Regarding claim 10, as responded to earlier, Elbrader in view of Esenyan teaches capability for prompting for entering of any voice data and text data at the at least one predetermined point.

Regarding claim 11, Elbrader in view of Esenyan teaches capability for associating the set of input identifiers for the selected workflow activity with the image captured and the voice or text data input.

Regarding claim 12, Elbrader in view of Esenyan teaches capability for transcribing voice data to text data.

Regarding claim 13, Elbrader in view of Esenyan teaches capability for providing the set of input identifiers for a next step in the workflow process.

Regarding claim 14, as responded to earlier, Elbrader in view of Esenyan teaches system and method for automated integration of image acquisition and incorporation into a workflow process. Elbrader in view of Esenyan teaches:

a computer system for performing a workflow process, the workflow process including a template having at least one predetermined point at which data input, including captured image data, is expected; and

a portable image capture device capable of at least digital image capture, the portable image capture device directing collection of the data input and integrating the collected data input into the workflow process by automatically associating the collected data with the template, thereby generating an output document.

Regarding claim 15, as responded to earlier, Elbrader in view of Esenyan teaches capability wherein the portable image capture device directs collection by prompting for performance of an image capture at the at least one predetermined point.

Regarding claim 16, as responded to earlier, Elbrader in view of Esenyan teaches capability wherein the portable image capture device further directs collection by prompting for entering of any voice data and text data at the at least one predetermined point.

Regarding claim 17, as responded to earlier, Elbrader in view of Esenyan teaches capability for transcribing voice data to text data.

Regarding claim 18, as responded to earlier, Elbrader in view of Esenyan teaches capability wherein the portable image capture device integrates collected data input by inserting the image captured and the voice or text data input at the at least one predetermined point of a document.

Regarding claim 19, as responded to earlier, Elbrader in view of Esenyan teaches capability wherein the portable image capture device further provides the document to the computer system for a next step in the workflow process.

Regarding claim 20, as responded to earlier, Elbrader in view of Esenyan teaches capability wherein the portable image capture device can integrate collected data input by associating a set of input identifiers for a selected workflow activity with the image captured and the voice or text data input.

Regarding claim 21, as responded to earlier, Elbrader in view of Esenyan teaches capability wherein the portable image capture device can provide the set of input identifiers, the collected data input, the template identifier to the computer system for a next step in the workflow process.

Regarding claim 25, as responded to earlier, Elbrader in view of Esenyan teaches capability for associating a set of input identifiers for a selected workflow activity with the at least captured image data and the voice or text data input.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Weil et al. US Patent 5,654,750
2. Enright et al. US Patent 6,583,813
3. Katz US Patent 6,216,502
4. Toohey US Patent 7,232,964
5. IAS Introduces SmartEye Video-on-CD-ROM Technology to Record F&I Transactions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NARESH VIG whose telephone number is (571)272-6810. The examiner can normally be reached on Mon-Thu 7:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

September 27, 2008

/Naresh Vig/
Primary Examiner, Art Unit 3629